

REMARKS

Claims 2, 3, 6-8, 18, 19, 22, 23, 32, 35, 36 and 39-44 are pending, with claims 6, 7, 22, 23, 35 and 36 being independent. Claims 1, 5, 9-17, 21, 24-31, 34, 37 and 38 have been canceled without prejudice. Claims 2, 3, 6-8, 18, 19, 22, 23, 32, 35 and 36 have been amended. Claims 39-44 have been added. Support for the amendments and for the new claims can be found in the specification, at least in paragraphs 35-39 in connection with Figure 3; and in paragraph 44 in connection with Figures 2 and 7. No new subject matter has been added. Reconsideration and allowance of the above-identified patent application are hereby requested.

Allowable subject matter

In view of the foregoing amendments, all remaining claims are now in condition for allowance pursuant to the Office's indication that claims 6, 7, 22, 23, 35 and 36 would be allowable if rewritten in independent form. (See Office action dated 11/29/2010, pages 15-16.)

Examiner interview summary

Examiner Scott Bauer is thanked for conducting a telephonic interview on February 18, 2011. During the interview, a proposed amendment to the pending claims was discussed. The amendment proposal included rewriting claims 6, 7, 22, 23, 35 and 36 in independent form to place claims 6, 7, 22, 23, 35 and 36 in condition for allowance; and amending claims 2, 3, 8, 18, 19 and 32 to depend from respective allowable claims 6, 7, 22, 23, 35 and 36.

An agreement was reached that Examiner Bauer would enter the proposed amendment because the amended claims are patentable over the applied art.

Claim Rejections under – 35 U.S.C. § 103

Claims 1-3, 5, 8-11, 13, 16, 37 and 38 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jenkins (6,738,248) in view of Smith (5,726,844) and Rutfors (WO 02/05380.) Claims 17-19, 21, 24-26, 28, 31, 32 and 34 stand rejected under 35 U.S.C. 103(a) as

allegedly being unpatentable over Jenkins in view of Smith. Without conceding to these rejections, claims 1, 5, 9-11, 13, 16, 17, 21, 24-26, 28, 31, 34, 37 and 38 have been canceled to obviate the rejection and thus, to expedite issuance of the patent.

Amended claim 6 is patentable over the cited art as indicated by the Office. (*See* Office action dated 11/29/2010, pages 15-17.) Claims 2, 3 and 8 depend from claim 6 and also are patentable at least for the same reasons.

Also, amended claim 7 is patentable over the cited art as indicated by the Office. (*See Id.*) New claims 39-41 depend from claim 7 and also are patentable at least for the same reasons.

Further, amended claim 22 is patentable over the cited art as indicated by the Office. (*See Id.*) Claims 18 and 19 depend from claim 22 and also are patentable at least for the same reasons.

Furthermore, amended claim 23 is patentable over the cited art as indicated by the Office. (*See Id.*) New claims 42 and 43 depend from claim 23 and also are patentable at least for the same reasons.

Additionally, amended claim 35 is patentable over the cited art as indicated by the Office. (*See Id.*) Claim 32 depends from claim 35 and also is patentable at least for the same reasons.

In addition, amended claim 36 is patentable over the cited art as indicated by the Office. (*See Id.*) Claim 44 depends from claim 36 and also is patentable at least for the same reasons.

CONCLUSION

The foregoing comments made with respect to the positions taken by the Office are not to be construed as acquiescence with other positions of the Office that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are no other valid reasons for patentability of that claim or other claims.

In view of the amendments and remarks herein, claims 2, 3, 6-8, 18, 19, 22, 23, 32, 35, 36 and 39-44 are in condition for allowance. A formal notice of allowance is respectfully requested. Should the Examiner believe this application is not in a condition for allowance, he is respectfully requested to telephone the undersigned assignee's representative to discuss what

Applicant : Xiaodong Jin et al.
Serial No. : 10/811,031
Filed : March 26, 2004
Page : 12 of 12

Attorney Docket No.: MP0358 / 13361-0058001

additional steps he believes may be necessary to place the application in a condition for allowance.

Please apply any necessary charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: February 25, 2011_____

/Dan V. Vacar/_____

Dan V. Vacar

Reg. No. 63,579

Customer Number 26200
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (877) 769-7945

50747173.doc